

Town of New Windsor

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OFFICE OF THE PLANNING BOARD

WEDNESDAY – MARCH 26, 2008 -- 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

REGULAR ITEMS:

- 1. RLF MANAGEMENT, INC. (07-25) 10 LOUISE DRIVE (MINUTA) Home Professional Office. (4-1-35)**
- 2. LEGACY WOODS - KNOX VILLAGE SENIOR PROJECT (08-01) RT. 32 (JACOBOWITZ & GUBITS) Proposed senior housing project.**
- 3. RIDGE RISE SITE PLAN (04-27) WINDSOR HIGHWAY (ENTEC) Proposed 124-unit Townhouse development (35-1-112)**
- 4. MT. AIRY ESTATES SUBDIVISION (04-23) THE RESERVE - J STREET Proposed 13-lot residential subdivision.**

DISCUSSION

- 5. NW REALTY (06-18) WINDSOR HWY (SHAW)**

ADJOURNMENT

(NEXT MEETING – APRIL 9, 2008)

March 26, 2008

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TOWN OF NEW WINDSOR

PLANNING BOARD

MARCH 26, 2008

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON
PLANNING BOARD SECRETARY

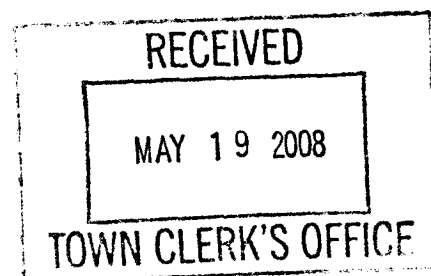
DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: HOWARD BROWN
HENRY SCHEIBLE

REGULAR_MEETING

MR. ARGENIO: I want to welcome everybody to the March 26, 2008 regular meeting of the Town of New Windsor Planning Board. Would everybody please stand for the Pledge of Allegiance?

(Whereupon, the Pledge of Allegiance was recited.)



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MR. ARGENIO: First thing I'd like to say it was brought to my attention that I neglected to do the Pledge last week. I hope I didn't offend anybody and I apologize for that, it was an oversight. I was going over some notes here before we started and it slipped my mind, quite frankly so hopefully nobody's offended and if you are, work it out.

REGULAR_ITEMS:

RLF_MANAGEMENT,_INC._(07-25)

MR. ARGENIO: First on our agenda tonight is RLF Management, Freda Home Professional Office on 10 Louise Drive represented by our esteemed former associate Joe Minuta. This application is for approval of a home professional office involving medical insurance application processing. The application was previously reviewed at the 12 September, 2007 planning board meeting. Joe, for the benefit of anybody who wasn't here at that meeting, this is a pretty straightforward application, would you please bring us up to speed as to where you're at? And then I'm going to go through a few things.

MR. MINUTA: I'm happy to, Mr. Chairman. With respect to this property, it's, the property's been in existence as a commercial property doing business as a commercial use for some time dating back to the early '80s. The applicant's been operating the management company out of here which is strictly a medical building claims center. They have approximately five employees and we have been, we we're before you last we were referred to the zoning board for zoning variances of which we have received which is reflected as a revision to the plan.

MR. ARGENIO: You did receive what you requested?

MR. MINUTA: Yes, we did receive those. No more than five employees will be employed at any one time, that the business hours of operation will not exceed 7 to 5 Monday through Friday. With that, let's see here, variance granted by Town of New Windsor Zoning Board of Appeals on 2/25/2008 for the maximum number of employees allowed was one as a home professional office the uses granted with those stipulations that I just mentioned.

MR. ARGENIO: Do you have a copy of Mark's comments?

MR. MINUTA: I do.

MR. ARGENIO: Mark has some minor issues. In item number 1 I'll read them to you, use must clearly be secondary to use as the dwelling, use must not change character of structure as a residence, activity must not occupy more than half the ground floor area of the dwelling, use shall not employ more than one person, use shall not create a public nuisance. And your client in agreement with the stipulations?

MR. MINUTA: Yes, we are and they are currently in compliance with those statements.

MR. ARGENIO: Okay, if anybody sees fit, I'll accept a motion pursuant to Mark's comment number 4 that we assume the position of lead agency under the SEQRA.

MR. VAN LEEUWEN: So moved.

MR. SCHESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency under the SEQRA process for RLF Management.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Joe, as I said, this is pretty straightforward. Does anybody have any questions on this?

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MR. SCHESINGER: This is a dwelling, a living, a house now people are living in it?

MR. MINUTA: Yes.

MR. SCHESINGER: What goes on there right now?

MR. MINUTA: Its owner occupied and it's a medical claims building center, they have five employees, mainly family members and they simply do medical billing out of there.

MR. SCHESINGER: Why are you here?

MR. MINUTA: Because we were, this was flagged as a result of the client had a relative who placed an order upon the building department.

MR. SCHESINGER: This was pre-existing and not legitimately--

MR. ARGENIO: Excuse me, let me speak for a second and Joe correct me if I misspeak, the short version of this is that they were operating out of this facility, this small business for quite a number of years and somebody complained, is that the essence?

MR. MINUTA: Thank you.

MR. SCHESINGER: Okay.

MR. ARGENIO: Mike had directed Mr. Minuta to get this thing cleaned up to get it formalized to make it level you need to make application, get your variance, get cleaned up and that's what you need to do per the law and that's essentially why we're here.

MR. MINUTA: Technically to clear up the paperwork.

MR. SCHLESINGER: Okay.

MR. ARGENIO: Joe, as we spoke earlier, because this is a special use permit we do have to have a mandatory public hearing, that's the law and I don't have the authority to change the law. So Myra is there any reason that we can't get this scheduled and get in motion?

MS. MASON: No.

MR. ARGENIO: I'd like to do that please.

MS. MASON: Sure.

MR. ARGENIO: Do we need to vote on that? It's mandatory, there should be no vote.

MR. EDSALL: Need to authorize the public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we schedule a public hearing for this application.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: The other note Joe and again I shared this with you as well because of your proximity to the state highway, it needs to be referred to Orange County Planning. I think this should be a fairly innocuous referral. Typically on something like this they'll send us a note back saying local determination, hopefully they'll do the same thing with this. It

shouldn't slow you down because you have to do the public hearing. Myra, have we done the referral to the or Mark have we done the referral to the county?

MR. EDSALL: No, but I wanted to check with Myra and she confirmed that it wasn't sent as a double referral more or less from the zoning board and the planning board so maybe Myra you could let me know the date of the referral and the application number because I want to make sure the County Planning Department understands this is the same project, just back at planning board. So if you can fax that over to me I will do that referral tomorrow.

MR. ARGENIO: You'll do that I'd like to keep this moving. Joe, as soon as the time expires on the notice of public hearing what's the next action that happens after the public hearing notices go out? My question is what prompts us to put Mr. Minuta and his clients on the agenda again?

MS. MASON: Just we have to advertise in the paper 10 days ahead and the notices have to go out 10 days ahead.

MR. CORDISCO: Mr. Chairman, if I could?

MS. MASON: We have to give Orange County Planning 30 days.

MR. CORDISCO: Myra's absolutely correct, we have to give them 30 days, while it would be possible to schedule a public hearing sooner than that there's no problem, you can even close the public hearing but you can't act. So it may be better to schedule the public hearing after the 30 days has run. That way you either got comments from County Planning or you don't but you're free to act.

MR. ARGENIO: Dominic, unless I'm breaking the law and

I'd like to you tell me if I am, I'd like to do the public hearing on this and have it behind us. I think it's a fairly innocuous application.

MR. VAN LEEUWEN: We can do subject to.

MR. CORDISCO: You can't grant subject to not with the County Planning comments outstanding.

MR. ARGENIO: We can have the public hearing before we close county.

MR. CORDISCO: You could.

MR. ARGENIO: When the 30 days expires Joe on the County Planning we'll get you on the next agenda right away, keep you moving.

MR. EDSALL: Earlier.

MR. MINUTA: It's my understanding that the following we'll have a hearing following the 30 days?

MR. ARGENIO: No, we'll have the public hearing as soon as the time expires on the notice.

MR. EDSALL: Why don't you plan on the 23rd only because it might be a squeeze to try to hit the 9th, that's only a couple days short of the 30 days, we can always call the county, say look, it's the same thing you saw, can you get back to us.

MR. MINUTA: We'd need one more meeting, we can take everything into consideration then.

MR. EDSALL: Odds are they'll respond if we ask and we can call.

MR. ARGENIO: Myra whispered in my ear that she'll call. Thank you very much.

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MR. MINUTA: Good night everyone.

LEGACY_WOODS_-_KNOX_VILLAGE_SENIOR_PROJECT_(08-01)

Michele Babcock, Esq. before the board for this application.

MR. ARGENIO: Application proposes development of 14.21 acre parcel with 184 senior housing multi-family residential units with three buildings. The site also includes 3,200 square foot clubhouse building and other site improvements. This plan was previously reviewed at the 16 January, 2008 planning board meeting. I see Miss Babcock here to represent this.

MS. BABCOCK: Yes, good evening. We're here tonight with a revised site plan based on the comments that we had received at the January planning board meeting. Since that meeting, we have met with the fire inspector twice and based on his recommendations we have made revisions to the plan layout. We have made changes to the fire lanes, fire hydrant locations as well as sidewalk locations. The purpose of our return this evening is really to ask the board to consider three items, one is to receive any comments that you may have with respect to revisions that we have made based on the recommendations of the fire inspector. The second is to ask the board to make a favorable recommendation to the Town Board with respect to the side yard waiver and the third is for the board to provide a conceptual approval of the accessory uses that we're proposing on the site. If I may, I will do a brief overview of those revisions.

MR. ARGENIO: I'd like you to do that.

MS. BABCOCK: Okay.

MR. VAN LEEUWEN: Can I ask you one question? These are three stories the buildings?

MS. BABCOCK: Yes.

MR. VAN LEEUWEN: Elevator?

MS. BABCOCK: Yes.

MR. VAN LEEUWEN: Cause I don't see it here unless I've got the wrong page.

MR. BABCOCK: No, they're internal, you won't see it on the plans.

MR. EDSALL: Well, the plan you have is not that detailed more just shows the units, I'm not sure they've done the final design.

MS. BABCOCK: Right, we only have the interior for each unit.

MR. ARGENIO: Mike, they have to have that by law.

MR. BABCOCK: Correct, if they're multi-family they'll have that.

MR. ARGENIO: Go ahead, Michele.

MS. BABCOCK: With respect to the side yard waiver the Town Board is actually the board that would authorize that waiver as part of our special permit. But we're asking that this board make a favorable recommendation. The way that we have the plan designed is that we would need a waiver with respect to building 5, 6 and 8, the side yard setback.

MR. ARGENIO: Excuse me, Michele, just one second. Dominic, unless I misunderstand the senior regulations, please help me with this, the waiver for the offsets on the side yard is that given by this board or the Town Board?

MR. EDSALL: It's the way it's written it says that the

planning board grants the waiver but that that waiver must be included in the special permit, i.e. both boards have to okay it.

MR. ARGENIO: Go ahead.

MS. BABCOCK: The proposed side yards for building 5 is 39 feet, the proposed side yard for building 6 is 43 feet and for building 8 is 41 feet. The code requires a setback of 50 feet. The only two requirements that are contained in the code is that the setback does not exceed 50% and that the fact that we consider the length to width ratio of the parcel. The code says width to lot ratio of 5 to 1 and in this case this lot is 6 to 1 and based on that we would ask that the board favorably recommend this waiver. Also our adjoining property owner is the Chestnut Woods project located in the Town of Cornwall, we have done, we have looked at their landscaping plan and have incorporated their design into our landscaping plan that way it's not only consistent but that we make sure that we provide an adequate buffer between the two projects.

MR. ARGENIO: The Chestnut Woods project are you familiar with that?

MR. EDSALL: I am, having the pleasure of reviewing it for Town of Cornwall.

MR. ARGENIO: What kind of side yard setbacks do they have on that facility?

MR. EDSALL: I don't recall their zoning but it's very similar.

MR. ARGENIO: It is very similar.

MR. EDSALL: I will have the exact number for you at the next meeting.

MR. ARGENIO: My question that I'm going to ultimately ask and maybe I should wait but I won't, is there an issue Mark with the timing of this recommendation on the side yard variance to the public hearing?

MR. EDSALL: Well, there is a practical timeframe for the applicant to move forward and prepare let's say a preliminary grade set of plans and prepare the SWPPP, they need to know what the layout of the site is, so they need some type of indication from the board that the waivers make sense and appear to result in a project that the board feels is acceptable otherwise they can't move forward. So it's chicken or the egg, you really have got to let them have some type of indication otherwise they can't get forward, they can't get through the public hearing, you can't get done with SEQRA until SEQRA's done the Town Board can't act so if you don't move forward on the waiver they're dead in the water, I'll put that it way.

MR. ARGENIO: I don't want to give up any of our rights as a planning board. The only thing that I'm concerned about is by giving that favorable recommendation only as it relates exclusively to the side yard issues I don't know what's next door, I have no idea.

MR. EDSALL: Well, again, as Miss Babcock indicated, the code is written recognizing that certain shape lots have their own problems, narrow lots must reserve accessways, fire lanes and such so it was recognized that it may cause the buildings to be pushed to the sides to provide access capabilities. So a project that did not have this type of configuration lot wouldn't even be able to ask you for the waiver. The provision was in the code recognizing that certain size lots with multi-family have certain problems and that's why the codes--

MR. ARGENIO: They'll need these waivers from time to time.

MR. EDSALL: That's correct. And again I'm not suggesting that you give up any rights because when you do your SEQRA review if something else jumps out where it causes a problem you can address it under SEQRA, you can address it as part of your planning board public hearing, but they really need to have an indication if you believe the site functions so they can move forward.

MR. ARGENIO: Go ahead, Michele.

MS. BABCOCK: That's really it on that issue as Mark said based on our meeting with the fire inspector we have modified the plans to provide adequate fire lanes and additional parking and based on the configuration of the site that was the greatest side yard.

MR. ARGENIO: I'd like to read this, municipal fire 3/12/08, once hearing by fire board is complete final review of the plan will be conducted. So you don't have approval from them but I guess you do have them acting that you received it and that's it.

MS. BABCOCK: The fire inspector actually has given us his approval with respect to the 30 foot fire lane leading to the clubhouse and along the south side of the buildings 1, 2, 3 and 4. We're appearing before the Board of Fire Commissioners for the interior roadways between buildings 1 and 2 here and buildings 3 and 4.

MR. ARGENIO: That approval from them that you seek needs to come to this board with no ambiguity.

MS. BABCOCK: Yes.

MR. VAN LEEUWEN: You know, Michele, I think personally to see what this thing looks like why can't we have some kind of a small drawing on this end to see what's

next door to that property?

MS. BABCOCK: We can provide that.

MR. ARGENIO: You've given us the benefit of that on one side.

MR. VAN LEEUWEN: We only have your side, don't see anything on the other side, I'll go take a look at that.

MS. BABCOCK: My understanding the project has received approvals but has not begun construction.

MR. EDSALL: It's very close to getting stamp of approval. My suggestion is if you gentlemen if you go toward the back of the, well, maybe 2/3 of the way through there's a sheet A3 which is the aerial view with the imposed site plan on it.

MR. ARGENIO: Our sheets are numbered, Mark, I have 2 of 3, 3 of 3.

MR. EDSALL: Keep going.

MS. BABCOCK: All the way in the back.

MR. EDSALL: You have like and A3. I would suggest that possibly we could ask the applicant if they have the the ability to superimpose Chestnut Woods on the same plan, that way you'd get a real good orientation understanding, the same as you can see the relationship of the proposed project to the existing multi-family to the north you could see what's proposed in Cornwall as well.

MR. ARGENIO: Mike, is there any traffic count that's used in the parking analysis for recreational facilities other than the building i.e. a pool or tennis courts, do we have any traffic parking

requirements for amenities of that nature?

MS. BABCOCK: Well, we have parking calculations for the clubhouse would be for square footage of the clubhouse.

MR. ARGENIO: Nothing for the tennis court so to speak which is divorced of the clubhouse.

MS. BABCOCK: Well, it's the code says recreation facilities, so I don't know if it comes out with the--

MR. EDSALL: The provision is there so that you get square footage of enclosed areas and they have exceeded that.

MR. ARGENIO: How many stalls are at the clubhouse?

MS. BABCOCK: Sixteen.

MR. ARGENIO: Does that meet code, Mike?

MS. BABCOCK: Yes, Mark's saying they exceeded it.

MR. EDSALL: No, for the square footage of the, you're saying for parking Jerry or--

MS. BABCOCK: Yes.

MR. ARGENIO: Yes.

MR. EDSALL: Well, for parking I'm suggesting that you may want a little bit more only because 3,200 square foot building has an occupancy of probably how many people, well over a hundred and there's only 16 parking spaces, so if we can get a couple more there probably be to their advantage.

MR. ARGENIO: What do you think about that?

MR. BABCOCK: Well, hopefully these people would walk to the clubhouse, that's the theory but I know that they do drive, some people do drive.

MR. SCHESINGER: I have a comment relative to that, okay, love swimming pools and I'm an avid tennis player, however, you're supplying them with two amenities both of which are seasonal, I don't know the size of the clubhouse.

MS. BABCOCK: It's 3,200 square feet.

MR. SCHESINGER: So 3,200 square feet which is fair in size, I don't know just throwing something on the table that maybe there's a way of making more of an accommodating clubhouse and, you know, offering an amenity that's a little bit more useful on a yearly basis.

MS. BABCOCK: Right now what we're proposing is within the clubhouse is a meeting room, an exercise room, a card room and a cyber cafe and then within each building we're providing a community room.

MR. ARGENIO: So in each individual building you have a community room in addition to the clubhouse?

MS. BABCOCK: That's correct.

MR. ARGENIO: That's good.

MR. JESUDASON: If I may say, I'm an architect to this project and talking about the clubhouse, we're giving a separate clubhouse which has a multi-purpose hall and possibly exercise room and card room and cyber cafe and so on and in addition to that as a common facility each building has small community--

MR. ARGENIO: She just said that.

MR. JESUDASON: --in addition to that so people will be going to the clubhouse as well as stay in their building and use the facilities.

MR. ARGENIO: Let me ask you a question Michele or Banny, got some more parking for us?

MS. BABCOCK: We can take a look at that.

MR. ARGENIO: I think Neil has a good point with that and Henry's whispering in my ear up here too, I want to point out for the benefit of board members that Mark's number 6 in all the bullets associated with it Dan and Henry and Neil page and a half of bullets page and 3 quarters of bullets all those issues are clean-up issues on the plans, there's no issues there that are backbreaking issues, it's all as we see and we say on this board level clean-up issues. Is that statement pretty accurate, Mark?

MR. EDSALL: Yes, I tried to get the documents to the application as early as possible so when they come in for public hearing the plans are in the best possible shape.

MR. ARGENIO: Note to self, Michele, the two pages of bullets associated with number 6 they really need to be addressed before the public hearing. I won't, we're not going to schedule the public hearing until those things are cleaned up.

MS. BABCOCK: Not a problem.

MR. VAN LEEUWEN: Do you have copy of those?

MS. BABCOCK: I do, thank you.

MR. ARGENIO: Go ahead.

MR. SCHESINGER: Michele, what's your method of mail

distribution?

MS. BABCOCK: I believe that they're going to have mailboxes next to each unit that way each unit would have one section of mailboxes.

MR. SCHESINGER: Do you know that definitely?

MS. BABCOCK: I do not see it on the plan, I don't think the plan has gotten to that level of detail yet that we have included that but before the next meeting we can add that.

MR. SCHESINGER: And I'm assuming that those little squares near almost every building the one on the upper right-hand corner are all dumpsters?

MS. BABCOCK: No, these squares are fire hydrant locations.

MR. SCHESINGER: How many dumpsters do you have?

MR. JESUDASON: This small rectangle are trash bin locations.

MR. SCHLESINGER: That's what I asked.

MR. JESUDASON: And the fire hydrants are here.

MS. BABCOCK: We have--

MR. SCHESINGER: Those little squares are dumpsters, correct?

MR. JESUDASON: Yes.

MR. ARGENIO: You can't send an attorney to do an engineer's job.

MR. SCHESINGER: Obviously they'll all have the correct

accessibility.

MS. BABCOCK: That's correct.

MR. ARGENIO: Dan and Henry, if you have any questions certainly chime in at any time. I do want to touch on one thing, Michele, if you would, one of Mark's comments I'd like to read it to you. As specifically noted, previously noted, Section 300-18 (i) (1) provides specific requirements with regard to laundry provisions, the applicant should endeavor to explain how they intend to comply with this.

MS. BABCOCK: Yeah, we're providing laundry facilities within each unit and that's depicted on the current plan set that we provided.

MR. ARGENIO: Mark, is that more a building code issue?

MR. EDSALL: The laundry?

MR. ARGENIO: Yeah.

MR. EDSALL: That's just a provision, matter of fact Dom and I are examining the code to see exactly what that 18 (i)(1) has in it but it's not a building code issue to my knowledge, it's just an issue of amenity and convenience that the Town Board when they adopted the law said they wanted to make sure seniors had that available.

MR. JESUDASON: Usually with senior housing we provide a common laundry with whereas we have exceeded that requirement we're providing in each unit a laundry facility, washer and dryer facility so it far exceeds that.

MR. ARGENIO: Mr. Rosen, I just want to read this as well and you may not be aware of this but this has been a problem with other projects in the town, senior and

condo alike, the plan sheet for the clubhouse should indicate that the clubhouse will be a hundred percent complete and available for use prior to 50% unit occupancy as per the code. We have had problems around town with condos.

MR. ROSEN: We'll comply with that.

MR. ARGENIO: They build the condos, they're at the--

MR. ROSEN: You used the word they, we don't, we'll comply with that.

MR. ARGENIO: Your reputation precedes you, sir.

MR. EDSALL: Mr. Argenio, that gives them the option of either having community facilities and has criteria for that or as an alternative they can provide it in each unit.

MS. BABCOCK: We provide that on sheet A5.

MR. ARGENIO: We don't want to be talking about the 99th percentile unit and still have these facilities unusable. Mark, how does it speak, Mark, how does it speak to the code that's to the construction of the pool? The pool was a huge issue over at RPA, I understand this is senior housing but I think there's similar issues.

MR. EDSALL: I believe it's the clubhouse and all the amenities that go with it.

MR. ARGENIO: Which includes the pool, the tennis court, the walking trail.

MR. EDSALL: The walking trail we would probably look at a phase basis only because you would end up destroying it which we're possibly doing excavation for different foundations. But the common facilities

should be in.

MR. VAN LEEUWEN: Can I ask you a question, try to make sure when you put the garbage enclosures up that they kind of fit in with the building and so forth.

MS. BABCOCK: With respect to design?

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: Show us the detail on that Michele if you would be so kind that would be helpful.

MR. VAN LEEUWEN: Because that looks like H-E-L-L when somebody drives in and they see the containers just sitting there.

MS. BABCOCK: Not a problem. One of the things that we're asking the board tonight is to give us conceptual approval with respect to the accessory uses that we're proposing on the site based on the proximity to Five Corners. We're not proposing any type of commercial accessory use on this site. One because of the close proximity to other retail and service goods as well as the transportation that's provided directly off Route 32.

MR. ARGENIO: I think that's reasonable. What do you guys think?

MR. SCHESINGER: Bus stop right near there?

MS. BABCOCK: My understanding I believe I'd have to confirm the location but it's right out there towards the front entrance.

MR. SCHESINGER: Walking distance?

MR. BABCOCK: There's a bus stop at the Mobil gas station there but I don't think this facility, these

people would probably use that much, I think they would use it just like the other one in Vails Gate we talked about with the Dial-A-Bus which would come right on site right to their unit actually to pick them up.

MR. EDSALL: Michele, you may want to similar to what you did on the other multi-family project in the town senior project they provided a location on the site plan where the bus shelter or the pickup could be.

MR. ARGENIO: Mark, what was that?

MR. EDSALL: I'm suggesting that they identify what the pickup would be.

MR. ARGENIO: I was just going to say the same thing.

MS. BABCOCK: Not a problem.

MR. ARGENIO: Make sure you not only identify it but you have provisions for the bus to be able to pull up, pick up or drop off and then leave. Danny, you're noticeably mute in this whole thing, do you have any thoughts?

MR. GALLAGHER: You guys are covering most of my thoughts.

MR. ARGENIO: No, I think it's good. We'd like to receive elevations too Michele if it's not too much trouble at some point in time.

MR. VAN LEEUWEN: Michele, is this a separate piece of property that's not attached to any of these other properties?

MS. BABCOCK: That's correct.

MR. VAN LEEUWEN: Who is the owner?

MS. BABCOCK: Knox Village Inc.

MR. VAN LEEUWEN: So it's part of Knox Village?

MS. BABCOCK: It's actually two separate owners, the other property is owned by Knox Village Associates.

MR. VAN LEEUWEN: Awful close.

MR. BABCOCK: This set of plans I have, Mr. Chairman, sheet A4.

MR. ARGENIO: You guys did them already.

MR. BABCOCK: It's actually one sheet beyond that.

MR. ARGENIO: Mark, I'd like you to elaborate on one thing, this is really kind of the last thing that I have which is we're going to see this again guys, this is our recommendation to the Town Board and there's going to be further reviews and a public hearing, Mark, can you just elaborate a bit for me on your dialogue relative to the solar lighting fixtures?

MR. EDSALL: Well, the board in both the Town Board and the planning board have shown an interest in energy conservation, green construction for town projects for a cost savings basis but as well recommending that project developers consider it in the design of their private facilities. There are technology available at this time that there are solar lighting fixtures that could potentially have a great advantage cost wise and from an environmental standpoint have a less of a draw on the electrical system of the area.

MR. ARGENIO: Do you folks have any thoughts on this?

MR. ROSEN: Well, we'd like to take that issue up when the plans are in the making.

MR. ARGENIO: That would be great.

MR. ROSEN: I can guarantee to the board that we'll look at it, we'll even be happy to sit down with Mark but you know that's the type of thing we'd like to leave up to the marketing people, the architect.

MR. EDSALL: The only difficulty is that we should, we would probably want to try to along the way identify what type of fixtures so when you do your lighting plan you can design the light fixtures.

MR. ARGENIO: I agree with what Mr. Rosen is saying, it's very early in the process.

MR. EDSALL: But by preliminary hearing we should probably have a lighting plan as to whether or not you want to go to a conventional lighting plan.

MR. ARGENIO: But you said prelim but public hearing.

MR. EDSALL: Public hearing and have the alternative out there that they're going to continue to investigate it and the board may--

MR. ROSEN: That's the route I'd like to go and as the plans progress we'll be more than happy to sit down with you and if we find a reason to change it I have no problem.

MR. VAN LEEUWEN: Mr. Rosen, is that your last name, are you any relation to Ben Blumenfeld?

MR. ROSEN: He was a partner in Knox Village as well this piece of property.

MR. VAN LEEUWEN: If you're as good as he is cause he was quite a guy. When he said I'll do it, you didn't have to ask him twice, you didn't have to ask him to put his hand up, it was done within two weeks. I've

been here 26 years, okay, and I'll tell you Ben was a very honorable man.

MR. ROSEN: You'll be able to say that about us 50 years from now as well.

MR. VAN LEEUWEN: I hope so. Who's your father?

MR. ROSEN: David Rosen and my other partner Mark Saunders and his father is Joe Saunders, they're all partners, Dave Rosen, Ben Blumenfeld and Joe Saunders.

MR. ARGENIO: Mr. Van Leeuwen goes back a bit. Let's move on with this. We're going to see this a few times, Mark and Dominic, I'd like you guys to be with me on this please.

MR. VAN LEEUWEN: Mr. Rosen, are you any relation to the two brothers that built these two large subdivisions across the street?

MR. ROSEN: Woodwind and Countryside, yes, one was my brother, one was me.

MR. VAN LEEUWEN: I thought I recognized you.

MR. ROSEN: You look too young to recognize me.

MR. ARGENIO: Guys, let's go through some of these formalities here. Which item do we start with first, Mark, are we going to do conceptual review first?

MR. EDSALL: Well, I think what you may want to get by comment number 4 to the extent that that again is a basic concept understanding of what they're proposing as part of the project. And I'm not saying you have to take any action, you really can't take any action because you haven't done SEQRA.

MR. CORDISCO: That's correct.

MR. EDSALL: But you can say it seems reasonable and we see no problem with you proceeding based on what you're telling us.

MR. ARGENIO: That's relative to the amenities.

MR. EDSALL: Yes.

MR. ARGENIO: Do my contemporaries feel that the amenities here are reasonable?

MR. VAN LEEUWEN: Yes.

MR. GALLAGHER: Yes.

MR. SCHLESINGER: I voiced an opinion prior to.

MR. ARGENIO: Well, what's your opinion?

MR. SCHLESINGER: Well, I said they're offering two major amenities that are seasonal, that's all.

MR. ARGENIO: Okay.

MR. CORDISCO: If you wanted to take a straw vote that would be a strong indication to the applicant that where you're coming out on this.

MR. ARGENIO: I think the amenities are reasonable. Danny, what do you think?

MR. GALLAGHER: I agree.

MR. ARGENIO: Henry thinks yes and Neil thinks they're reasonable.

MR. SCHLESINGER: I'd like to.

MR. ARGENIO: He thinks they're reasonable but he made

a comment that they're seasonal. I don't know if maybe he's proposing an ice skating rink or a bubble.

MR. SCHLESINGER: A bubble.

MR. ROSEN: Well, the clubhouse is not seasonal and we'll have a health club in the clubhouse.

MR. ARGENIO: Okay, we're passed that. What's the next item, Mark, help me procedurally?

MR. EDSALL: Number 3 which deals with the way they are requesting for the side yard, indicated that you wanted to get an understanding of the relationship between this project and Chestnut Woods which is in the Town of Cornwall but adjoins this project. If you don't feel comfortable giving them a straw vote or straw pole on the side yard waiver then you may have to wait till you have that overlay.

MR. ARGENIO: Well, I don't want to interrupt you, finish.

MR. EDSALL: Just when you want to do it.

MR. ARGENIO: Relative to that my only concern on that was I don't want to give you any rights that we may have in the future relative to that. I would like to see what's proposed for the property next door and its proximity to the property line. I don't have a problem.

MR. VAN LEEUWEN: Are they owned by the same people?

MR. EDSALL: No.

MR. ARGENIO: Different people.

MR. VAN LEEUWEN: I'd like to see that before I vote on anything, even do a straw pole.

MR. EDSALL: I would suggest maybe that they come back to another meeting with really just focusing on that issue then.

MR. ARGENIO: I quite frankly would like to see that too, Michele, I'd like to see what's proposed next door, I don't suspect that there's going to be an issue but just trying to be prudent, that's all.

MS. BABCOCK: There's a plan so it is available.

MR. EDSALL: Then I would suggest that what you do is ask them to address that comment number 3 which is the side yard issue and comment number 8 which deals with the orientation of the building to building and separation of buildings if they came back and dealt with just those two issues I believe the rest of my comments are basic layout issues and they could then proceed with their SWPPP preparation.

MR. ARGENIO: I think I agree with that. Neil, do you or Danny do you guys have any problems with that?

MR. SCHLESINGER: No, I agree.

MR. GALLAGHER: That's fine.

MR. ARGENIO: I would suspect Mark or Dominic that this would not negate or mitigate the need to address the last issue relative to the recommendation to the Town Board about the suitability of the location of this facility, we can still vote on that I would think no reason we can't vote on that.

MR. EDSALL: Well, the Town Board can't act until SEQRA's done, I'm sure you're not going to act on SEQRA till the public hearing's done so that's when you really have, when that's all done with and you're prepared at that point to close SEQRA and say to the

Town Board we think it's time for you to issue this special permit that's when you really are making a recommendation.

MR. VAN LEEUWEN: We should do SEQRA first.

MR. EDSALL: After the public hearing.

MR. ARGENIO: Let me just get straight in my mind here because these senior regulations are new and we're still all at least I'm still on the learning curve here. Mark, you just said you talk about the Town Board and what I'm talking about specifically is the recommendation, the necessary recommendation that this applicant requires us to make to the Town Board as to the suitability of this location for this facility.

MR. EDSALL: Right.

MR. ARGENIO: That's what I thought we were supposed to.

MR. CORDISCO: But the Town Board cannot act on it until because we're doing coordinated review the Town Board cannot act on the recommendation until after SEQRA's complied with so what Mark and I are suggesting is that you hold off on making that recommendation.

MR. ARGENIO: Because it has no benefit at that point.

MR. CORDISCO: Because it sits there and at this point--

MS. BABCOCK: Well, if I may, it does impact the possibility of the plan layout and we can't proceed with our preparation of the storm water management plan until we have some type of conceptual approval that the board is okay with this proposed layout.

MR. ARGENIO: Well--

MR. EDSALL: Just a clarification, the Town Code for senior regulations is being revised slightly because of the issue of the Town Board being unable to act for the special permit until SEQRA's done. That modification Mr. Cordisco wrote and is working with the town attorney now to get that adopted by the Town Board, we're effectively following that revision even though it isn't adopted only bars the State Environmental Quality Review Act, won't allow the Town Board to act so that clean up in the law for procedure makes the are process slightly different and that's why the difference in what I think you have seen in the past versus now and I just confirmed with the Supervisor that since they can't act it wouldn't make any sense to send it back over with a recommendation that really would have no benefit cause they couldn't act anyway.

MR. ARGENIO: I'm glad you say that because for a second I thought I was losing my mind. I specifically remember this being a little bit differently.

MR. CORDISCO: That's absolutely correct, it was done differently but what we're trying to do is clarify the law and resolve this, not conflict but resolve this issue where the Town Board cannot act. But that said of course as Miss Babcock mentioned that they need to do their storm water design, that's an expensive process in terms of the engineering that's undertaken in order to do that, so I think if she's asking for conceptual approval, the code doesn't provide for conceptual approval but nonetheless once again you could do a straw vote or straw pole as to the general layout which would then give the applicant enough confidence to proceed with undergoing the storm water design.

MR. ARGENIO: Lot of straw in this room tonight, you notice that?

MR. CORDISCO: Not a lot of hay.

MR. ARGENIO: I don't think that's unreasonable and certainly you need to have some sort of flavor if you're going to invest the money in the SWPPP and do all that business. I don't take exception to what's here, I mean, I, it's as somebody pointed out here Mark pointed out it's a long narrow lot and there's limited things that you can do and to provide for appropriate traffic circulation, and as I said before Michele with no ambiguity the firemen have to sign off on this. Neil, do you have any comments on the layout?

MR. SCHLESINGER: I don't have any comments on it and I think that a straw vote is just like a positive recommendation but no way allows you to go ahead with work and saves you time and now your point is well taken but it surely doesn't ensure your guarantee that eventually the Town Board is going to go ahead with it also, so you have a gamble either way.

MR. ARGENIO: Danny, will the layout work?

MR. GALLAGHER: Layout's fine, I think we should take a look at clubhouse parking.

MR. ARGENIO: Okay, Henry, the layout?

MR. VAN LEEUWEN: I have no problem with the layout itself but I definitely have some problems with the two properties across the street, okay, one the road was never finished off and Ben Blumenfeld had to come in here, we had to drag him in here and he went in and finished the road. And those are some of the things that stick in my mind and I don't like to see the town or the people of this town get stuck for anything.

MR. BABCOCK: Are you referring to MacNary Lane?

MR. VAN LEEUWEN: No, I'm one of the, I think it was

Keat's Drive or one of the streets.

MR. BABCOCK: It's been completed now.

MR. VAN LEEUWEN: Yes, Ben Blumenfeld we had to write him a letter and Ben said I'll take care of it in two weeks but in two weeks it was done. But it stayed that way as a dirt road for two or three years and gave you guys a lot of headaches, you remember where the old shed is we're right in there right across the street, I don't want to see that happen.

MR. ARGENIO: That said and Mr. Van Leeuwen I've said this before brings a lot of seniority to this board and a lot of experience over the years with dealing with a lot of different issues and certainly knows more than I do about the evolution of a lot of the planning and the different history in this town. But as I've said before as well we have to try hard to focus on what's in front of us and that's important.

MR. VAN LEEUWEN: You're absolutely right.

MR. ARGENIO: And I certainly do appreciate the commentary. So thank you and conceptually?

MR. VAN LEEUWEN: No problem.

MR. ARGENIO: Okay, Mark or Dominic, is there anything else, doesn't seem to me that there's anything else that we can accomplish with this application?

MR. CORDISCO: From my notes I don't recall whether the board has actually circulated for lead agency and if they have not then I think that that would be something that they could do tonight.

MS. BABCOCK: Yes, they have and the 30 days has elapsed.

MR. CORDISCO: My apologies, okay.

MR. ARGENIO: Need a new secretary.

MR. CORDISCO: Fair enough.

MR. EDSALL: I don't recall either.

MR. CORDISCO: The other thing of course these plans will have to be referred to the County Planning Department.

MR. ARGENIO: Certainly.

MR. CORDISCO: And I think that--

MR. ARGENIO: But Dominic I want to get a level of finality here before we do that, that's typically what we do.

MR. CORDISCO: That's where I was going.

MR. ARGENIO: You did understand that, Michele?

MS. BABCOCK: Yes.

MR. EDSALL: I think that we'll ask them back for a number 3 and number 8.

MR. ARGENIO: You have the comments Michele?

MS. BABCOCK: I do.

MR. ARGENIO: Thank you very much for coming in. Thank you, Mr. Rosen.

RIDGE_RISE_SITE_PLAN_(04-27)

MR. ARGENIO: This application proposes development of 30 plus acre parcel into a 125 unit multi-family development with 23 multi-family structures and a clubhouse building. The plans were previously reviewed at the 13 October, 2004 and 25 October, 2006 planning board meetings. Somebody here to represent this application? Sir, can you please come up and tell me what you're here for?

MR. ZEPPONI: Alex Zepponi, Z-E-P-P-O-N-I, the engineers and planners for the project and we had submitted as you indicated plans previously conceptual level and without all the work related to the storm water management to get a feel for the board. We took that input from the board, we incorporated it into the plans which were recently submitted to Mark's office and we're here to go over this latest set of plans.

MR. ARGENIO: Let me ask you this question, I'm going to read Mark's comment verbatim, the plans for this meeting are nearly identical to the plans submitted for the 10/25/06 meeting. Some observed changes are the elimination of water quality basins to the east of the clubhouse and pool and the addition of building number 2 in that area. I don't understand why you're here if the plans that you submitted in 10/25 of 2006 which had comments attached to them have not been remedied and the plans you're submitting tonight are almost identical to those plans from 2006?

MR. ZEPPONI: We're unaware of anything that was in those previous comments that we have not addressed.

MR. ARGENIO: Mark?

MR. EDSALL: I think it was more storm water issues and unfortunately late in the review process our engineer provided me with those comments attached, I don't know

if you provided them for the storm water and that's really the issue that at this stage of the game needs to be resolved and John Szarowski from our office is indicating that he has some serious concerns about the compliance of the site with the storm water regulations.

MR. ARGENIO: What type of concerns does he have?

MR. EDSALL: He's got two pages of comments here attached.

MR. ARGENIO: Oh. Mr. Zepponi, two pages of comments on the SWPPP which could dramatically change the plan that you are proposing.

MR. ZEPPONI: I'm reading through them, I can honestly say I haven't seen anything that I believe will result in a change of the plans of significance.

MR. ARGENIO: Mark?

MR. EDSALL: I hope he's right. Experience tells me that compliance with the new storm water regulations is usually quite a burden. I think at this point it would make sense for them to update the board on the project but make sure that before they return that Mr. Zepponi's office and my office the appropriate personnel come to a resolution of the storm water issues cause that's really the basic issue that with all multi-family projects with the prior application you can't move forward unless that's resolved. And that's exactly what happened with the prior project, you've got to a point where they've got a couple zoning issues and they have to go right into the SWPPP, I think that's where these guys are at.

MR. ARGENIO: It's becoming more and more, I don't have to tell you Mr. Zepponi, more and more burdensome, the storm water regulations and erosion control and the

SWPPPs and such why don't you briefly tell us where you're headed with this? And as I said Mark's comment that the plans are almost identical to what was, what we had here in October of 2006 is a little disconcerting but we're here.

MR. ZEPPONI: I thought those were generally well accepted to be honest with you. There was some details we had to address in terms of design but with regard to concept and layout I thought they were generally well accepted. And again to my knowledge any comment that was given to us at that time was rolled into this latest set of plans. With regard to the elimination of some of the water quality basins, DEC has now found it acceptable to use these manufactured cartridge systems which are underground chambers and they provide the required total particular removal that the natural filter system would do so as a result of the evolving technology and the acceptance by DEC of this new technology we kept the one major basin which serves most of the site, the clubhouse but I believe there are 15 other underground concrete chambers that use these filters. The filters are like a Brita filter you put on your faucet, they work the same way, there's a filter medium inside the water quality storm that first flush off the roads goes diverted through those chambers and it has to go through this filter again like a large Brita filter and that removes all the sediment.

MR. ARGENIO: Mr. Zepponi, let me interrupt you for one second with all due respect, I don't want the debate, it's not our position to go back and forth, you're explaining to me the operation of these filters and we have a guy that looks at that and he ensures that they are in compliance, he briefly says that he enunciated that the DEC requirements for using this type of thing he indicates 5. inches per hour and your report states that your filtering rate as above that's .6 and as I said I don't want to get into that and I'm not going to

get into that, however, Mark needs to do a detailed review of these plans. He's not done that because the SWPPP is not complete and as I said if you would like to briefly refresh us because this does go back a bit to 2006 some people were not even on this board then tell us where this project is about and give us a brief overview of it because you're here but you need to get the SWPPP done so he can do his review so we can have something to spring from.

MR. ZEPPONI: Understood.

MR. ARGENIO: Where is this?

MR. ZEPPONI: The project is located on the north side of Route 32, if you look to the west or left on this particular drawing it abuts the Washington Green condominiums, there's an existing Corporate Drive with trucking and some warehouse business to the left then the railroad abuts this to the north and if you go to the east there's stock piles for construction material that are--

MR. ARGENIO: That's Frank Lander's, correct?

MR. BABCOCK: That's correct.

MR. ARGENIO: Henry, this predates you doesn't this application?

MR. VAN LEEUWEN: Yes. No, no, '06 I was here.

MR. ZEPPONI: Actually, the good part of the time between then and now was dealing with the water quality and infiltration and the storm water because there's, there are a number of basins, five separate sub-basins which accounts for that delay. We were ironing out comments and addressing issues with the storm water. So basically the lot is 1, the property itself is 30.65 acres, it touches Route 32 at two locations once again

the existing Corporate Drive and we're proposing a boulevard type entrance to the east of this.

MR. ARGENIO: Who maintains the mall down the middle of the boulevard?

MR. ZEPPONI: That all falls within the property association would maintain that.

MR. SCHLESINGER: And the entrance?

MR. ARGENIO: That's just alongside of Frank Lander.

MR. VAN LEEUWEN: Where the carpet place is just below the carpet place there's a wet spot, there's an old house sits back in there.

MR. ZEPPONI: On the existing property there's an old house that sits about in the middle of the property just ruins essentially.

MR. VAN LEEUWEN: Trying to think of the people that used to own it.

SUPERVISOR GREEN: Stenglein.

MR. ZEPPONI: We're proposing 124 three bedroom units, there are 22 plexes proposed, as well as a clubhouse that has a 4,000 square foot footprint and a pool, we have approximately 40 stalls for the clubhouse dedicated to the clubhouse, with regard to each one of the units everybody has a car in the garage, one in the driveway and then various parking throughout the site for visitors. In terms of the parking count that 2 1/2 per unit parking required would be 310, we're providing 345.

MR. VAN LEEUWEN: Who is the owner of this property, sir?

MR. ZEPPONI: We have here the record owner was Cox, I believe the purchase has been completed to Terra International.

MR. ARGENIO: Do you know what you need to consider, Mr. Zepponi, is on some of those dead end roads the means to turn around, I believe firemen are going to get twisted up about that. And I quite frankly think that a road ending in a square block like you have them is probably not a good idea. Neil?

MR. ZEPPONI: Our thought was most of these are short enough being only the length of a plexus to not present a problem.

MR. VAN LEEUWEN: There's got to be a turnaround there.

MR. ARGENIO: Something, a T turnaround, a circle or something.

MR. VAN LEEUWEN: There's got to be a turnaround there.

MR. ZEPPONI: Specifically where are you referring to?

MR. VAN LEEUWEN: All the roads.

MR. ARGENIO: All the dead ends.

MR. VAN LEEUWEN: They're all stubs, there's a lot of work got to be done to this, I think what you should do is get together with Mark, our town engineer, and get some of the things handled that you need to do before you come back.

MR. ARGENIO: At a workshop. Mark, do you have any other thoughts on this?

MR. EDSALL: I just got a question, it said that you had kept the storm water basin neck to the clubhouse but there's some, first of all, there's on some plans a

water quality basin shown, it's quite a bit smaller than what was on the original plans.

MR. ZEPPONI: That's correct, the original was a rough size and this was calculated to the actual size of the flows that are being diverted.

MR. EDSALL: You need to make sure all the plans match because your utility plans don't have building 22, your landscaping plans don't have building 22, they still show the old detention basin.

MR. ZEPPONI: There are, we can address that, there's a note on there saying that some of the plans that the orientation they're for orientation only, not to be relied on for utility and grading and that they're basically they're soil erosion, it's not necessary.

MR. EDSALL: We don't want plans from utility plans that don't match with site plans that don't match with landscaping plans, we need one cohesive set of plans. I don't want to hear that so that some plans don't match other ones.

MR. CORDISCO: There are some plans that have a building on it and there's other plans that don't that show a basin.

MR. EDSALL: You can't have, we can't have inconsistency to that extreme where buildings are missing.

MR. ARGENIO: Let me just ask another question here relative to the wetlands. Mark, who designates the wetland line?

MR. CORDISCO: That would be the Army Corps of Engineers.

MR. ARGENIO: My question is and maybe I should be

asking Mark this is, I thought that you can't build in the buffer, two, there's no buffer shown, good portion of this project is in the wetland buffer.

MR. EDSALL: Well--

MR. ARGENIO: Somebody help me with this.

MR. EDSALL: I'm going to let Dom.

MR. ARGENIO: What do you have to say, you're an ex-DEC guy.

MR. CORDISCO: It appears that the wetlands in question are Army Corps wetlands and there's not really a regulated buffer that connects with the Army Corps wetlands. The DEC wetlands there's a mandatory 100 foot regulated adjacent area around DEC wetlands.

MR. ARGENIO: I can assure you the wetlands and the fauna in there they don't know the difference.

MR. CORDISCO: Fair enough but in terms of the regulations now there are some buffer requirements in connection with various permits that you need to obtain for getting coverage from the Army Corps so they may come into question. The question still is however is what has been done to verify the extent of the wetlands on site, whether they have obtained a jurisdiction of determination of what is their plan for obtaining coverage under those Army Corps permits.

MR. ARGENIO: Let me ask you this, how can you draw a plan, I'm just looking at this closely now where the line of the wetlands literally intersects the building and I mean that literally, let me say this too, the line of the wetlands intersects the curb line, the line of the wetlands intersects the garbage dumpster. The line of the wetlands intersects the pavement.

MR. VAN LEEUWEN: He's trying to get as much as he can on the map.

MR. ARGENIO: I understand that but that's not reasonable for those lines to touch, it's not reasonable.

MR. ZEPPONI: We're allowed a certain amount of disturbance of the wetlands, we're allowed to fill in the wetlands up to a certain amount and we're below that with regard to say the crosses.

MR. ARGENIO: I see you have your wetland disturbances enunciated and when you say you're under the threshold do you mean quantitatively the wetland disturbances that are illustrated are under the threshold?

MR. ZEPPONI: That's correct.

MR. ARGENIO: I'm not talking about that, you understand what I'm saying?

MR. ZEPPONI: I do.

MR. ARGENIO: I just don't think that's reasonable.

MR. CORDISCO: And that issue, there have been some changes that they should be aware of in March, 2007 the Army Corps came out with new permits that the old rule was as long as you're under a tenth of an acre no harm no foul, you didn't have to worry about anything. Now even if you're under a tenth of an acre you still have, you now have to notify the Army Corps and you have to gain coverages under one of their permits. So you have to apply, the difference is they don't require you to do any mitigation but you still have to apply so for any amount of wetlands disturbance now you have to be dealing with the Army Corps so that's something that's changed since the 2004 when this was originally proposed.

MR. ARGENIO: When we discussed that Mr. Zepponi ten minutes ago when I said, commented on this wetlands impact issues being so dynamic they just change all the time.

MR. ZEPPONI: Understood.

MR. ARGENIO: One day you think you're doing the right thing, six months later the law changed and you're a criminal before you know it.

MR. ZEPPONI: People lost their land.

MR. ARGENIO: Yeah, it's not good but it is what it is. Okay, look, I don't want to beat this to death.

MR. VAN LEEUWEN: I don't either.

MR. ARGENIO: You need to get the SWPPP done, Mr. Zepponi. Neil, I don't want to cut you or Danny off, did you guys have anything? I mean you got some feedback, you know, you need to have provisions for turnarounds, you can't draw a, it's not practical to draw a building where the line of the wetlands actually intersects the building. Technically from a drafting point of view it's not in the wetlands, you're probably correct about that but that's just not reasonable.

MR. VAN LEEUWEN: He's got a deck going over top the wetlands.

MR. ARGENIO: He's got 125 foot of disturbance which is a problem in the quantity you had enunciated, I understand.

MR. ZEPPONI: We're claiming those as part of what the fill is and with everything we have shown we're still below, that's why we're comfortable with the plan subject to whatever comments.

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MR. VAN LEEUWEN: You have your comments, I'm not comfortable.

MR. ARGENIO: Thank you for coming in, sir.

MT._AIRY_ESTATES_SUBDIVISION_(04-23)

MR. ARGENIO: Mt. Airy Estates Reserve, somebody here to represent J Street? Okay, please introduce yourself for the benefit of Franny and tell us what you want to do. Do you have a plan? My name is Richard Rennia and engineer with Morris Associates.

MR. ARGENIO: Is everybody familiar with The Reserve?

MR. RENNIA: I can give you a little history. We have been before this board before I think it was back in 2004, we had submitted plans for an additional 13 lots extending what was known on the original subdivision map from 1972 called J Street, it is now named McKinley Court, the existing cul-de-sac is right here and we want to extend it about 800 feet and add 13 new homes to that. So like I said, we submitted back in 2004 November 9 I believe of 2005 we had a public hearing, that public hearing was then closed that evening. The biggest item that came up that night there was a lot of questions and talk about wetlands.

MR. ARGENIO: I don't want to hear that, I don't want hear about the public hearing.

MR. RENNIA: No, this was in the minutes, I'm saying what we came back with at the public hearing, not with people, what was agreed on with this board was that we needed to go and delineate the wetlands because they weren't on the original map, that's the biggest change we're back here with before this board to show you that we have had the wetlands delineated, they're Federal Army Corps wetlands, Army Corps has been here to verify this and this is the wetlands line and I believe Mark is familiar with this. We have come back, we have made some adjustments, we have had a workshop meeting with Mark, we have made those adjustments and we're now on a revised set of plans because of that work shop meeting, so we're now before you. What we're looking for

tonight is preliminary subdivision approval and negative declaration with regard to SEQRA. Our next step that we'd like to achieve is to go to the Orange County Department of Health.

MR. ARGENIO: Update, what did you say about the DEC wetlands?

MR. RENNIA: We actually went out and had the wetlands field delineated.

MR. ARGENIO: They delineated them?

MR. RENNIA: They were never delineated at all, they're now delineated and they're shown on the map.

MR. ARGENIO: Mark, I would like you to take just a moment please and update the board in a paragraph or less say of the history of The Reserve, just a broad stroke so everybody can have an understanding of it.

MR. EDSALL: I could be here till next week.

MR. ARGENIO: That's why I said a paragraph or less please.

MR. EDSALL: Obviously, the project is a very large project, many of the approvals from agencies existed prior to many of the current regulations 67-89, the approval of the subdivision is really part of a stipulation from a court settlement, so there's quite a bit of history goes back to the days when I was in high school, I think, which is a while ago. Long and short of it they have been working very vigorously on the project and one of the problems that we have had with the project is just because it's such a large project and the amount of disturbance we have been trying to control the storm water discharges and it's been a problem and I can't say they have not been cooperative because you have probably made 18 revisions or more to

the SWPPP.

MR. RENNIA: Yes, and we have been working with every agency New York State DEC Army Corps and even the Attorney General's office has been involved.

MR. ARGENIO: Who's inspecting that SWPPP business, the installation and maintenance thereof in the field?

MR. ARGENIO: Well, just about everybody.

MR. RENNIA: My office does weekly inspections on behalf of the owner and then like I said DEC has made inspections, Army Corps made inspections and we have quarterly or monthly meetings with Mark's office.

MR. ARGENIO: How much have you paid in fines in the past three years?

MR. RENNIA: In the past couple three years I don't think there's been anything in fines, they have been doing a very good job. It started back around the year 2000 they had some issues, they paid some fines then the new DEC regulations or at the time it took place in August of 2003 from that time I do not believe that they have had any fines, they have been working with everybody doing everything that needs to be done but as Mark said on such a large project when you get say you get the storms where they had 19 inches of rain in October of 2005 there's nothing you can do on any of the sites, you can try everything that any of the state books say to try and the water will break through it but they have not had any fines in recent years.

MR. ARGENIO: Do you guys know where this is, the issue with this, this creates turbidity in Brown's Pond which is our water source.

MR. EDSALL: Yes, as an ending to my paragraph I'm very happy with their cooperation but I'm not as happy with

the success, it's been a problem.

MR. ARGENIO: Let me say this and I'm going to speak from experience cause I happen to be in the construction business as well, happen to be in the construction business, I will tell you that on a large site you can put all the mitigation measures that you want in place and you can put up seven rows of silt fence, 6, 5, 4 if you get the right set of circumstances, i.e., two, three inches of rain in a short period of time, they're going to create a turbulent condition outside of your erosion control measures. Short of creating a 20 acre pond we have the ability to hold the runoff with the super fine minus 300 material, the flat clay-like particles contained for seven days or so treat them with a flocculent of sorts, you might be able to get them to settle out. So I certainly understand the challenges you have, that doesn't mean that it's okay, so doesn't mean that it's okay. I am hung up on one thing and I'm only one board member and I want to poll the board, I'm hung up on this subdivision and us discussing the contents of a public hearing that occurred in 2005 when some of these folks up on the dais may not even have been on this board, this is a long time ago and a lot could have changed in the area so I'm a little hung up on that. I'm going to read Mark's comment, the project was last before the planning board on 9 November, 2005 and which time my records indicate that a public hearing was held, approval status of the project must be determined, is it awaiting preliminary approval or is there an expired preliminary approval? What's the answer to that question, does anybody know?

MR. EDSALL: Myra's clarified that I was able to get ahold of here and go through the records, it's the public hearing was closed but there was no action taken because of some questions, so--

MR. ARGENIO: What do you mean no action was taken?

MR. EDSALL: No preliminary approval granted so there's nothing that could have expired cause they never got it.

MR. VAN LEEUWEN: He just said he's looking for it now.

MR. EDSALL: That's what they're looking for.

MR. ARGENIO: I think that the public hearing needs to be re-upped. Dominic?

MR. EDSALL: What we were just discussing obviously this goes back quite a long time and there are provisions in the stipulation which permit a maximum number of lots and the long and short of it is that this number's permitted so that was just something we were clarifying.

MR. ARGENIO: I'm okay with that.

MR. EDSALL: Just so you knew what the side discussion was.

MR. ARGENIO: And that technical business is something that I expect you to tend to, we're looking at it to see if it makes sense and take the action we need to take. Dominic, can we and is it reasonable to have another public hearing on this?

MR. VAN LEEUWEN: We can have a public hearing any time we want?

MR. CORDISCO: At this point, I mean, this project is impacted by a stipulation that was entered into in connection with prior proceedings in connection with this and I'm not familiar with the terms of that stipulation. Setting this aside, I mean, if there was something in the stipulation that said that there would be no more public hearings required or necessary then

setting this aside certainly given the fact that prior public hearing took place in 2004, some significant period has passed. There's no express authorization in either the code, you know, or in state law that would allow a second public hearing.

MR. ARGENIO: There's a dance for you.

MR. RENNIA: Public hearing just to be clear was November 9, 2005.

MR. ARGENIO: I just think, trying to look at it from a practical point of view, it's a long time ago. The membership has changed here, the ownership of a lot of that property could have changed and you know what, I always try to fault on the side of caution and have the public hearing get the information, sir, which doesn't mean you won't get your approval, doesn't mean that.

MR. RENNIA: I completely understand.

MR. VAN LEEUWEN: Make a motion we--

MR. RENNIA: One thing that I would like to throw out for discussion to follow up on that that type of timeframe that we're talking about, back in November of 2007 few months ago we would have been two years, so now maybe 2 1/2 years has gone, I don't think that it is unlikely, well, I don't think it's unreasonable for a project to say have a public hearing for preliminary approval and then not even get its final approval until several years later. There's some projects that go on for many, many years before they even come back for a financial approval. So I don't think that a 2 1/2 year timeframe on a public hearing is an extraordinary large amount of time or something that's out of the ordinary. I don't know if Mark or Dominic would correct me on that.

MR. CORDISCO: I would also add that the board has the

authority and ability to have a public hearing before granting final and after preliminary.

MR. ARGENIO: What does preliminary get them?

MR. EDSALL: It's going to, well, let me step back, before you can grant preliminary approval you have to close SEQRA, so you need to be comfortable that any environmental impacts of this project have been addressed and looking at John's comments which are attached his concern--

MR. ARGENIO: I don't have John's, can I see this?

MR. EDSALL: His concern goes back to part of the history and again recognizing it's a difficult site but nonetheless being very reactive to the phone calls I get from the Town Supervisor's office when he gets complaint from the city and from the neighbors that there's a discharge, John's concern from my office is that they're not proposing any additional measures to address the problem that's occurring and he believes that should be resolved. So you've got this open issue of an ongoing discharge problem that we're trying to resolve, admittedly the applicant's being very cooperative, it's a difficult site, I don't know how comfortable the board should be in closing out SEQRA with that hanging over our heads.

MR. ARGENIO: Well--

MR. EDSALL: I don't know that a public hearing does you a lot of good to the extent of solving what's really our thorn in our side which is the discharge, the storm waters and I don't expect that anyone from the public is going to give us a tremendous amount of additional information that their professional haven't and the DEC who's been out there on a regular basis.

MR. ARGENIO: That's a good point, the silt is running

off the site into the pond, this is a good point, Mark.

MR. RENNIA: There is a couple points as I'm thinking.

MR. ARGENIO: Now just hold them for just one second, you can't, right now let me just, having said what I said before about the runoff issue, I'm sensitive to it, I am and I truly meant what I said but what I am not comfortable with is the planning board engineer saying that you have not considered all you should consider. I will read it to you, says the applicant should consider more aggressive erosion and sediment control plan and I'm not, that's disconcerting. The proposed SWPPP does not include a mechanism for the storm water to enter the storm water management system includes surface sand filters, if the road has been paved, does that mean the basins are sticking up, the thickness of the overlay?

MR. EDSALL: That's my understanding.

MR. ARGENIO: That's silly, you're going to have that on any project you do anywhere that's not topped out, so that doesn't mean anything as far as I'm concerned. The sand filters may be the best solution to removing the extremely fine soil from the storm water, the applicant should consider a means to convey the storm water filters, you can certainly finish your point, sir.

MR. RENNIA: A couple points on the larger current subdivision that's under construction right now as a result of the recent storms happening in the beginning of March we had submitted to Mark's office at the request of the Town Supervisor a separate action plan and I think it's a list of eight different items that they're going to do in addition to what they're currently doing now.

MR. ARGENIO: Submitted to Mark's office, why isn't

that acknowledged here?

MR. RENNIA: Yes, probably more recent but I just wanted to let the board know that we're working with the town on a new plan and a different list of items that we're going to try.

MR. ARGENIO: I think you need to do that.

MR. RENNIA: That's what we're doing and I would like to try to separate what's happening on the entire rest of the site with this here.

MR. ARGENIO: How can you do that, that's not reasonable?

MR. RENNIA: Well, part of this and I would like to defer to Marvin very quickly and just ask the question of when would they intend to build this because if they can say that this is not going to be constructed until the top where the, some of the construction is now once that's greened in, once those phases are stabilized and people are living there that changes the scene dramatically.

MR. ARGENIO: Go ahead.

MR. ROSENZWEIG: Marvin Rosenzweig, project manager for The Reserve. Since things have taken place in the past week since we had the storm couple weeks ago, we have implemented many of the things that have been requested of us, a response has gone out I believe yesterday to the engineer, to Mark's office with the additional things that we suggest to implement in order to, and we're even as I left the job tonight I had guys in the temporary basin, the basin that we have that's part of the plan, the overall--

MR. ARGENIO: Mr. Rosenzweig, let me interrupt you for one second and I believe everything you're saying and

I'm sure there's more to it but I want you to understand where I'm coming from, from where I'm sitting for us to act on what he's asking us for tonight I need his office to have a SWPPP in their hand indicating the things that you have said to me tonight and the things that you have said to me tonight and taking that comprehensive package and his office that's Mark Edsall's office saying yes, it works, let's move forward, I need that from a point of view, I can't do it until I have that. By all means as I said before I am in the construction business and I understand what you're going through, believe me, I deal with it and I mean this literally on a daily basis the engineering inspections, I deal with it and I understand you're not going to catch every piece of silt, every flat particulate, every clay-like particle but Edsall needs to have a SWPPP plan that works, that he's convinced that works for us to move. Mark, go ahead, you're going to say something.

MR. EDSALL: Dom and I were just looking procedural, stipulation or no stipulation, the reality is that the SEQRA regulations apply.

MR. ARGENIO: That's the end of the story, that's a state regulation.

MR. EDSALL: We need to make sure that's nailed down, we need to give the town overall town the satisfaction that understanding that the problems they have been experiencing are addressed to the best of everyone's ability. I'm not saying that it's a guarantee it's going to work a hundred percent but the best we can do.

MR. ARGENIO: Did you hear what I just said? It's very important that it's addressed to the best of our ability. There's no guarantee anything's going to work. Who says we're not going to get a four inch rainfall in 24 hours. When this happens, all bets are off at that point and I understand that and I think we

understand that. Go ahead.

MR. EDSALL: I think one of the key things that Rich has addressed from the prior plan that maybe you could touch on is the shifting of the road and the identification of the wetlands are the new issue really from my standpoint tonight that they have addressed the location of the wetlands and adjusted the subdivision so that there's a greater equity in the lot area.

MR. ARGENIO: I think that's fabulous.

MR. EDSALL: Other than getting SEQRA closed my suggestion would be that I see no benefit in having another public hearing because in my opinion there's nothing that's changed other than the fact that they have been reactive to the information that you asked them to put on the plan.

MR. ARGENIO: As you pointed out before wisely and I kind of honed in on it a little bit was the biggest issue out there is the runoff and I think that's everybody's issue out there is the runoff.

MR. EDSALL: DEP's been out there, the Attorney General's Office has been out there, the Army Corps I think the EPA might of stopped by.

MR. RENNIA: And everybody is approving the storm water plans.

MR. ARGENIO: I'm with you on all of it, I truly take no exception to anything you're doing here or anything you're saying. I think it's great that you did the delineation and if you guys have any questions just chime in. I don't mean to trump the room, it's great that you did what you're doing. I'm sure Mr. Rosenzweig has represented it accurately that you're mucking out the ponds, putting the silt fence up and doing the things that you need to do from a procedural

point of view. Mark is right, we have to close SEQRA, we can't do that until we get the SWPPP that's been reviewed by him, his office and signed off on. Mark, am I missing something here?

MR. EDSALL: No, I think the order of business should be getting the final version of the latest improvements identified in the SWPPP written off on if the board agrees there's no need for a public hearing, you could just tell them get that resolved and we'll consider preliminary approval and then they can go on to the agencies.

MR. ARGENIO: I will poll the board for a public hearing, I think that I'm passed it a little bit but I want to hear from everybody else, I'm going to go in the other direction for no particular reason, Danny, thoughts on the public hearing?

MR. GALLAGHER: I'm not sure that I don't think we need one, I mean, I think it's like you were saying the runoff, what are the neighbors going to tell us that we don't know already.

MR. SCHLESINGER: I think the flags were raised, I don't think we need another public hearing.

MR. VAN LEEUWEN: I agree, I think as long as Mark is satisfied.

MR. ARGENIO: Okay, we'll go with that.

MR. VAN LEEUWEN: How do you feel?

MR. ARGENIO: I felt that way at first, I was kind of twisted up about it but I honed in on what Mark said the biggest issue really is the runoff and it's an issue done only for the people, not only for the people there but for the residents of the town and if you guys can help us to the best you can that's what we need to

do.

MR. BABCOCK: It's not only the biggest, it's pretty much the only issue out there is the storm water.

MR. ARGENIO: I like hearing from the building inspector.

MR. BABCOCK: We need to get that taken care of.

MR. ARGENIO: We need to know, you need to present a SWPPP plan that in Mark's mind is the best possible set of barriers that you can put up and as I said there's no, certainly no guarantee that it's going to work 100 percent of the time.

MR. BABCOCK: We would like it to though.

MR. ARGENIO: What else can I do for you tonight?

MR. RENNIA: I think that you've explained everything we need to do and I think as long as it's okay with the board that I continue to meet with Mark.

MR. ARGENIO: I wish you would.

DISCUSSION

NW_REALTY_(06-18)

MR. ARGENIO: Discussion, NW Realty.

MR. EDSALL: Very quickly flashing back to the prior discussions with Knox about the availability of solar lighting, New Windsor Realty is a site plan on Route 32 in the town that just so happens, has an ownership relationship with the supplier, one of the suppliers who provides solar lighting and the board has discussed this already and what the applicant is proposing is a field change to install solar lighting at that location in lieu of the conventional lighting. I would characterize this as kind of the pilot site that the town is looking to investigate. Obviously, the lighting levels are different, there's a different condition where you can have two levels of lighting programmed into the fixtures and the patterns are different, I'm not telling you they're identical but I will tell you that they have provided a lighting pattern that provides lighting that they believe is appropriate for their site and I think is reasonable as far as the fixtures are in locations where they should be and I think it's a great place for us to if we really want to see if solar lighting has a future it's a great site plan to try it out because like I said they have this ownership relationship with the supplier so it can move forward.

MR. SCHLESINGER: What's the status?

MR. EDSALL: It's an proved project, it's in construction, it's out on Route 32.

MR. SCHLESINGER: Approved based on conventional lighting.

MR. EDSALL: Yes.

MR. BABCOCK: We're now asking the projects to consider this, this project has comfort and wants to do it so we have, we really want to try to work with them.

MR. EDSALL: It's probably our pilot.

MR. ARGENIO: What do you need need from us?

MR. EDSALL: As long as the board takes no exception to the field change we'll work with them.

MR. ARGENIO: Anybody have a problem?

MR. SCHLESINGER: No.

MR. GALLAGHER: No.

MR. VAN LEEUWEN: I like solar.

MR. ARGENIO: Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER AYE

MR. GALLAGHER AYE

MR. VAN LEEUWEN AYE

March 26, 2008

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MR. ARGENIO

AYE

Respectfully Submitted By:

Frances Roth
Stenographer